

# EXHIBIT A

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## **EXHIBIT A TO ESI PROTOCOL**

### **Form of Production for Email**

All electronic email from Windows-Based ESI ("WESI") shall be produced as Static Images.<sup>1</sup> Static Images shall be produced by FDIC-R complete with full text extracts and the following fields of Metadata, to the extent the Metadata is available:

1. Custodian (Natural person or device in possession of the record at the time of collection)
2. Group\_Custodian (Name(s) of custodian(s) with exact copy of file before de-duplication)
3. From (Name)
4. Author Meta (Last editor of attachment/e-doc)
5. CC
6. BCC
7. Sent To
8. MD5 Hash Value or Equivalent
9. Sent Date (Date e-mail was sent from sender)
10. Sent Time (Time e-mail was sent from sender)
11. COMPPATH (Complete Filename and path)

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<sup>1</sup> "Static Image(s)" means a representation of ESI produced by converting a Native File, including but not limited to the files identified in Exhibit A, into a standard image format capable of being viewed and printed on standard computer systems. In the absence of agreement of the Parties or order of Court, a Static Image, when provided, should be provided in 300 dpi resolution, single-page black and white CCITT Group IV Tagged Image File Format (TIFF or .TIF files). If a TIFF or .TIF file cannot be created, then the Static Image should be provided in Portable Document Format (PDF).

12. Document Type (Field in Relativity describing the family relationship (parent or attachment) of a record)
13. Application (Program commonly used to access the record)
14. Extracted Text (Text of e-mails, nested e-mail body, or raw text from images, edocs, or attachments)
15. Bates Begin
16. Bates End
17. Bates Attach Begin
18. Bates Attach End
19. Relativity ID (Unique Relativity identifier – Document Control Number)
20. Subject (e-mail subject line)
21. Group Identifier (Full range of Relativity records between beginning parent document and ending child document)
22. Title Meta (Title of attachment/standalone edoc metadata)
23. Last Modified Date (Full date edoc was modified before saving/sending)

Static Images shall be produced by Progressive complete with full text extracts and the following fields of Metadata, to the extent the Metadata is available:

1. Custodian (Name of Custodian from which file is being produced);
2. Other Custodians (Name(s) of custodian(s) who had exact copy of message before de-duplication);
3. Author (FROM field);

4. CC;
5. BCC;
6. Recipient (TO field);
7. MD5 Hash Value or Equivalent;
8. Time Sent (Time the email was sent);
9. Time Received (Time the email was received);
10. File Type (Application used to create the file);
11. Page Count;
12. PST Name;
13. Body Text (Extracted text);
14. Bates Begin (Beginning Production Number);
15. Bates End (Ending Production Number);
16. Attach Begin (Beginning Attachment Range Number);
17. Attach End (Ending Attachment Range Number);
18. Control Number or DocID Number;
19. Subject (subject line of the e-mail).

With respect to productions by both FDIC-R and Progressive, electronic mail shall be produced along with attachments to the extent the message and/or any attachment is responsive, relevant and not privileged. As a general matter, subject to specific review, a message and its attachments(s) shall not be withheld from production based on the fact that one or more attachments are privileged, irrelevant, or non-responsive. To the extent the message and/or one or more attachments is privileged or non-responsive, the responsive, non-privileged documents shall be produced along with placeholders indicating whether the accompanying record was withheld as non-responsive or privileged. All Parties should

confirm that their ESI is Windows-based or, if not, identify the other forms of ESI within their possession, custody and control.

### **Form of Production for Other WESI**

All other WESI (including attachments to electronic mail) shall be produced as Static Images. Static Images shall be produced by FDIC-R complete with full text extracts and the following fields of Metadata, to the extent the Metadata is available:

1. Custodian (Natural person or device in possession of the record at the time of collection)
2. Group\_Custodian (Name(s) of custodian(s) with exact copy of file before de-duplication)
3. Author Meta (Last editor of attachment/e-doc)
4. Title Meta (Title of attachment/standalone edoc metadata)
5. Created Date (Contains the date the edoc was created)
6. Created Time (Contains the time the edoc was created)
7. Last Modified Date (Full date the edoc was modified before saving/sending)
8. Application (Program commonly used to access the record)
9. Document Type (Field in Relativity describing the family relationship (parent or attachment) of a record)
10. Group Identifier (Full range of Relativity records between beginning parent document and ending child document)
11. COMPPATH (Complete Filename and path)
12. MD5 Hash

13. Extracted Text (Text of e-mails, nested e-mail body, or raw text from images, edocs, or attachments)

14. Bates Begin

15. Bates End

16. Bates Attach Begin

17. Bates Attach End

18. Relativity ID (Unique Relativity identifier – Document Control Number)

Static Images shall be produced by Progressive complete with full text extracts and the following fields of Metadata, to the extent the Metadata is available:

1. Custodian (Name of Custodian from which file is being produced);

2. Other Custodians (Name(s) of custodian(s) who had exact copy of message before de-duplication);

3. Author;

4. Doc Title (Title of file from properties);

5. Doc Subject (Subject of file from properties);

6. Created Date (Date the file was created);

7. Created Time (Time the file was created);

8. Last Modified Date and Time (Date and Time the file was last modified);

9. Last Saved By (Name of user who last saved the file);

10. File Type (Application used to create the file);

11. Doc Type;

12. Page Count;

13. Path (Full path of the original location where the file was located);
14. MD5 Hash (MD5 hash value of the original native file);
15. Body Text (OCR for paper data or Extracted text for all ESI);
16. Bates Begin (Beginning Production Number);
17. Bates End (Ending Production Number);
18. Attach Begin (Beginning Attachment Range Number);
19. Attach End (Ending Attachment Range Number);
20. Control Number or DocID Number.

#### **Native Production**

The Parties shall have the right to request that ESI be produced as Native Files in addition to the format set forth above when a party has a reasonable belief that a Native File contains additional information not otherwise viewable from the production format set forth above and such additional information is relevant and reasonably calculated to lead to the discovery of admissible evidence. These documents will be accompanied with the appropriate load files indicating a cross reference to the Bates numbered Static Image.

Additionally, in the event a Party wishes to produce WESI e-mail and non-email in native form rather than as Static Images, the Parties shall meet and confer to discuss the feasibility of, and guidelines for, any such production.

Each WESI document produced as a Native File will have a unique document identification number (i.e., "Relativity ID") generated and included within the production as a separate metadata field within the

DAT or DII load file. The Relativity ID shall be the default unique document identification number.

### **Form of Production for Spreadsheets**

ESI in the form of spreadsheets shall be produced as Native Files along with a placeholder Static Image listing the spreadsheet document that is being produced. These documents will be accompanied by the appropriate load files indicating a cross reference to the Bates numbered Static Image.

### **Microsoft Access Databases**

With respect to non-privileged Microsoft Access Database files, each Party shall provide a list of all such files, along with a description of each database sufficient to allow the other Parties to determine whether they wish the database(s) to be produced. In the event that they do, the Parties shall meet and confer to discuss the production of such database(s).

### **Load Files<sup>2</sup>**

All WESI shall be produced along with an IPRO, Opticon, or Summation DII load file indicating Bates numbers and document breaks as applicable. Metadata shall be produced in Concordance DAT file format, DII format, and summary text file for Summation, or XML format, and extracted full text shall be provided in TXT file format at the document level. Non-Windows-Based Applications and Data shall be subject to the same production requirements to the extent technically and legally feasible.

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<sup>2</sup> A litigation support "load file," as that term is used herein, refers to the file necessary to reference images of documents and corresponding load file data into a reviewable database. A load file can, for example, specify what individual pages belong together as a document, what attachments are included with a document, where a document begins and ends, and what metadata is associated with a document.



### **Duplicates**

To avoid the production of more than one copy of a particular unique item, the Parties shall use industry standard MD5 (or SHA-1) hash values within (1) all emails identified for production, and (2) all loose electronic files identified for production. The Parties will not de-duplicate attachments to emails against loose electronic files. The Parties shall also produce a field listing all custodians of any de-duplicated copies of an email or other electronic document.

### **Other Methods to Streamline Discovery**

The Parties agree to meet and confer in good faith about any other technology or process that a producing party proposes to use to streamline the culling, review and production of ESI (e.g., email threading, near de-duplication, technology assisted review). The Parties shall make reasonable good faith efforts to resolve any objections to the use of such technology or process before seeking relief from the Court.

### **Production Media**

Documents shall be produced on external hard drives or readily accessible computer or electronic media, e.g., CDs, DVDs, or flash or thumb drives ("Production Media"). All Production Media should have the following five directories: (1) IMAGES for the images; (2) DATA for the .dat and .opt files; (3) TEXT for the extracted text/OCR files; (4) NATIVES for any native Excel files or Exception Documents; and (5) Load Files. The Production Media shall identify: (a) the producing Party's name; (b) the production date; and (c) the Bates Number range of the materials contained on the Production Media.

### **Color**

Where the original of a produced document is in color, and color is material to the interpretation of the document, the receiving party may request that the document be produced in color (whether electronic or paper). Otherwise, production will be in 300 dpi resolution, single-page black and white CCITT Group IV Tagged Image File Format.